

File Number: H.F. 2855
Version: As introduced

Date: February 14, 2018

Authors: Johnson, B.

Subject: Limiting the amelioration doctrine

Analyst: Ben Johnson, (651) 296-8957

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

This bill amends the statute abolishing common law crimes to limit the amelioration doctrine. The amelioration doctrine arises from common law. Under the doctrine, an act mitigating or otherwise reducing the punishment for an offense applies to all cases that were not final at the time the new law took effect, even if the offense took place earlier.

The Minnesota Supreme Court recently applied the doctrine in *State v. Kirby*. There, the defendant committed a first-degree offense for possessing methamphetamine. He appealed his sentence and, while the case was on appeal, the Drug Sentencing Reform Act went into effect. Under that law, the defendant would have received a shorter sentence. The supreme court concluded that the defendant was entitled to resentencing under the new guidelines.

This bill amends the statute abolishing common law crimes to clarify that the common law doctrine known as amelioration does not apply unless a statute specifically states otherwise.